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SENSITIVE
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SUBJECT: RGC LAUNCHES NEW POLICY AND MINIMUM STANDARDS FOR THE
PROTECTION OF VICTIMS OF HUMAN TRAFFICKING

REF: PHNOM PENH 707

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: On September 28, 2009, the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) launched the Royal Government of Cambodia's (RGC) Policy on the Protection of the Rights of Victims of Human Trafficking and the Minimum Standards for Protection of the Rights of Victims of Human Trafficking. The policy and minimum standards define 11 rights that guarantee protections for victims and lay out the steps of the victim protection process including recovery, reintegration, and follow-up. Minister of Social Affairs Ith Sam Heng presided over the launch ceremony, with over 200 attendees from government and civil society. Most anti-TIP NGOs welcomed the new policy and minimum standards, calling it a "much needed initiative that fills a gap" in the RGC's current anti-TIP response, but expressed concern about implementation and enforcement. END SUMMARY.

New Policy and National Minimum Standards

¶2. (SBU) After two years of work, MOSAVY launched the new Policy on the Protection of the Rights of Victims of Human Trafficking and the National Minimum Standards for Protection of the Rights of Victims of Human Trafficking on September 28. MOSAVY, working with technical assistance from USAID, owned the development process of the documents from the beginning. MOSAVY drew upon the nascent RGC interagency mechanism to obtain input from all relevant ministries, and actively involved civil society by visiting NGO shelters throughout Cambodia to provide training and seek feedback, which was then incorporated into the final documents.

¶3. (SBU) The new policy and minimum standards define 11 rights guaranteed to victims of human trafficking, including the right to safety and protection, the right to privacy and confidentiality, the right to dignity, the right to services, and the right to freedom of movement. The minimum standards also set out expectations of case management. A crucial component is the expectation that all persons who come in contact with potential victims of human trafficking take steps to determine if they are indeed victims. For example, the minimum standards require that service providers (including police) ensure a safe place for conducting interviews, ensure separation of victims from perpetrators, and conduct interviews using a victim-centered approach that is mindful of the trauma victims may have experienced.

¶4. (SBU) In his opening remarks at the launch ceremony, USAID/Cambodia Mission Director Flynn Fuller praised the RGC for taking an important step forward in improved care for victims, and urged the assembled stakeholders to work together to implement the regulations. Ministry of Interior Secretary of State Chou Bun Eng, Chair of the Secretariat of the RGC High Level Working Group to Combat TIP, expressed the HLWG's support and commitment to moving the policy forward.

15. (SBU) The 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation did not explicitly provide protection for victims of human trafficking. The RGC acknowledged this gap, and aimed to fill it with the new policy and minimum standards. With over 100 organizations working with victims of human trafficking, and the quality of care provided by these organizations varying greatly, the creation of minimum standards of care aims to provide a best practice model for victim care and enable better collaboration between service providers. In addition, these standards fulfill Cambodia's international obligations for victim protection under the ASEAN Declaration Against Trafficking in Persons, particularly for women and children, and Cambodia's obligations under the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process to develop country specific minimum standards for the protection and care of victims.

NGOs Welcome New Standards

16. (SBU) Most NGOs, including 54 civil society participants at the launch ceremony, welcomed the new policy and minimum standards of care. Patrick Stayton, Field Office Director for International Justice Mission, called the policies "a much needed initiative that fills a gap for the standard of victim protection." And Samleang Seila, Country Director for Action Pour Les Enfants, said the new policy grants more power to victims to determine their care and recovery. A few NGOs called the policy too little, too late, but offered little more than broad generalities to support their criticism. Sara Bradford, a technical adviser to the Asia-Pacific Network of Sex Workers, said the Cambodian police have not "proved

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they can adhere to rights-based enforcement of the anti-TIP law," therefore expecting them to adhere to a rights-based victim protection policy was "a waste of donor time and money." All NGOs consulted, however, expressed concern about the RGC's ability to implement and enforce the new policy and standards.

Next Steps and Challenges

17. (SBU) In the coming weeks, the RGC plans to disseminate the new documents and provide training to relevant RGC officials and service providers on understanding and implementing the minimum standards. Twelve thousand copies of the documents have been printed for RGC social workers, NGOs working with victims of trafficking, provincial officials and other relevant individuals. The RGC also plans to develop and introduce a monitoring and evaluation (M&E) framework to gauge implementation of the standards. The M&E aspect will also help set benchmark goals for offices and organizations working with victims, and assist in developing standardized processes and penalties for non compliance.

18. (SBU) MOSAVY staff and NGO victim assistance providers alike acknowledge the limitations facing full implementation of the policy and minimum standards. NGOs in particular note that MOSAVY staff is often stretched managing multiple projects, and thus may not be able to focus on comprehensive implementation. MOSAVY also lacks the legal ability to enforce the standards, since NGOs are not required to sign a Memorandum of Understanding with MOSAVY; some NGOs are reluctant to do so voluntarily because they are unclear what their roles and responsibilities will be, what will happen to their organization if they do not comply with the MOU, and what financial and human resources are required to implement the policy. Thus, implementation will require the good will of civil society partners to sign MOUs with MOSAVY.

COMMENT

19. (SBU) This is a positive first step in protecting the rights of victims of human trafficking in Cambodia. MOSAVY, together with the

National Task Force, has demonstrated a high degree of responsibility and ownership throughout development process. With these documents, Cambodia now leads the Mekong region in victim protection, and other countries have already shown interest in replicating Cambodia's achievements. The collaboration during the development process strengthened the relationship between the United States and MOSAVY, and also highlights the RGC's capacity to work with civil society representatives in a productive manner. Constructive implementation of this positive policy will be key to its ultimate success; it is helpful that MOSAVY already recognizes some of the challenges ahead and has planned steps to meet those challenges. We will continue to cooperate with MOSAVY and support its efforts to disseminate the new policy and standards, train victim assistance providers, and protect the rights of victims of human trafficking.

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